Critic of Warren Commission Disputes Film Timing of Assassination Shots

By PETER KIHSS

A critic of the Warren Commission contended yesterday that a key timing for the assassination of President Kennedy should have been reckoned at 3.5 seconds instead of 5. The contention evoked new, although mainly private, rebuttals.

The critic, Harold Weisberg, argued that this shortened time would imply a second assassin to account for three shots in this key interval—or imply an earlier shot. The period at issue is the time in which, the commission held, President Kennedy and Gov. John B. Connally Jr. of Texas were both most probably wounded by Lee Harvey Oswald as a lone assassin.

Oswald's rifle required 2.3 second between shots — three could be fired in 4.6 seconds. The commission held that there was "very persuasive evidence" that two bullets inflicted all the wounds, with one hitting both the President and Governor despite an apparent half-second difference in their reactions. A counterview to Mr. Weisberg's could be that speeded timing would help explain such a reaction difference.

Mr. Weisberg offered his timing interpretation in his second book on the case, "Whitewash II," which he published privately yesterday, and in an interview.

The book reproduced a Federal Bureau of Investigation report of an interview with Abraham Zapruder that said Mr. Zapruder's movie camera, which took films of the assassination, had been set to operate at 24 frames a second. This would be 30 per cent faster than the rate the F.B.I. later used in its analysis—18.3 frames a second.

Mr. Weisberg also cited F.B.I. testimony included in supplemental volumes of the Warren report, that a filmed re-enactment took only 3.5 seconds.

Private rebuttals in official quarters held yesterday that this variation resulted from difficulty in duplicating what happened, and that this had been explained to the commission in deciding to rely on a five-second time derived from the original Zapruder film.

Meanwhile, the Bell & Howell Company announced in Chicago yesterday that it had given the camera, which it had got from Mr. Zapruder for its own historic collection, to the National Archives, and that a United States marshal picked it up yesterday morning. Peter G. Peterson, the company's president, added:

"We recently tested the camera in our engineering laboratories. Our results would appear to corroborate the F. B. I. testimony before the Warren commission that the average speed at which film passed through the camera was at 18.3 frames per second. In fact, our test showed the camera speed to be within less than one-tenth of a frame per second from the figure reported by the F. B. I."

In Dallas, meanwhile, Mr. Zapruder, a manufacturer of women's dresses, said, in response to a reporter's query about the F.B.I. report in Mr. Weisberg's new book, that he believed he had never been interviewed by an F.B.I. man.

"I sent that camera down to Washington twice to be checked," Mr. Zapruder said, "and it was set at 18-something, 18.3 or 18.6 frames a second. I don't remember ever saying it was 24."

The F.B.I. document cited by Mr. Weisberg was taken from the National Archives. It was numbered File DL 89-43, dated Dec. 4, 1963, and credited to Agent Robert M. Barrett.

Mr. Weisberg is a 53-year-old Hyattstown, Md., writer. He says he was a staff member of a Senate civil liberties investigating committee from 1936 to 1940 and an analyst in the Office of Strategic Services in World War II. He ran a poultry farm from 1948 to 1964.

He initially printed his first book, "Whitewash," privately by offset for 22,500 copies. This week it was issued in a 95-cent indexed edition by the Dell Publishing Company. Mr. Weisberg says his inquiries have put him into debt, but he hopes to publish a collection of exhibits from the Archives next February.

In his new book, Mr. Weisberg also published from the Archives two of the three photographs taken by the F.B.I. of Billy Nolan Lovelady, which had been left out of the report and 26 supplemental volumes by the Warren Commission.

The Warren report had noted that Mr. Lovelady, supported by two other men, testified he was the person resembling Oswald who was photographed in a doorway during the assassination. Mr. Weisberg contended that "the man in the picture cannot have been Lovelady," and stressed that Mr. Lovelady had said he was wearing a striped shirt on the fateful day.

In Washington, the F.B.I. refrained from comment on the issues raised by Mr Weisberg.

But a check of testimony showed that Lyndal L. Shaneyfelt, F.B.I. photographic expert, had testified how the slower operating rate had been calculated by the agency.

The Zapruder camera, Mr. Shaneyfelt testified, and other cameras relied on, had been loaded with film and had then been used to photograph a clock with a large sweep-second hand in several tests "at the speed and conditions as described by the people who used the cameras."

The Zapruder camera, he went on, "was found to run at an average speed of 18.3 frames per second."

The average was understood to take in different sections of the film from the beginning, when it was tightly wound, to the end, where it would be getting run down.

It was Mr. Shaneyfelt who supervised the re-enactment on May 24, 1964, in Dallas for representatives of the commission, the F. B. I. and the Secret Service.

In his book, Mr. Weisberg disputed the positioning of cars and photographing points used in the reconstruction, and noted that the use of a car different from the Presidential limousine had required an acknowledged adjustment because stand-ins for the President and Governor Connally were sitting 10 inches higher than in the original case.

The film sequence involved starts at Zapruder Frame 222 and ends at Frame 313, which shows President Kennedy being fatally shot in the head. The commission, headed by Chief Justice Earl Warren, held that the President was probably first hit between Frames 210 and 225, on the basis that an assassin's view from a sixth-floor window would have been obstructed by oak tree foliage between Frames 166 and 210. The commission said the first shot that hit the President struck him at the back of the base of the neck.

The Warren commission also said that "for a fleeting instant, the President came back into view in the telescopic lens at Frame 186 as he appeared in an opening among the leaves."

Mr. Weisberg's book notes that Mr. Zapruder's clear film became blurred at Frame 190 and for several frames thereafter, and suggested the amateur photographer had come under stress after seeing the President wounded.

In Dallas, Mr. Zapruder said a "certain amount of fuzziness" was inevitable with the telephoto position he was using.

"Possibly I could have jogged the camera when the President was hit," he said, "but I was panoraming when it happened, and this would make it a little unclear."

He noted the film has "a continuous motion," instead of any stoppage.

Associated Press

A man thought to have been Lee Harvey Oswald, at left, was photographed in a doorway during President Kennedy's assassination. Billy Nolan Lovelady, right, testified he was that person. A new book contradicts his testimony.

Jersey Doctor Convicted In Vitamin B-12 Case

NEWARK, Dec. 7 (UPI) — Dr. Caesar O. Bottone, 39 years old, was found guilty of criminal contempt today by a Federal jury.

The Englewood doctor was charged with violating patents on Vitamin B-12, owned by Merck and Company of Rahway.

The weeklong trial ended when a jury, after three hours of deliberation, found Dr. Bottone guilty on four counts of criminal contempt.

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